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Docket No.: PF270P1  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Su et al.

Application No.: 09/416,267-Conf. #5938

Group Art Unit: 1646

Filed: October 12, 1999

Examiner: P. Mertz

For: Human Cytokine Polypeptide

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TECH CENTER 1600/290

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to references AA-AE listed on the attached Form PTO/SB/08A. A copy of each of references AA-AE is enclosed.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR §§ 1.104(a) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Identification of the listed references are not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

Applicants respectfully request that the Examiner review the listed references and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(c)(2), the Patent Office will consider this Supplemental Information Disclosure Statement if filed before the mailing date of a final Office Action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in this application and if accompanied by a Statement as specified in § 1.97(e) or the fee as specified in § 1.17(p).

Accordingly, the undersigned certifies pursuant to 37 C.F.R. § 1.97(e)(1) that each item of information contained in this Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Supplemental Information Disclosure Statement. In particular, the listed references were cited in a European Search Report (references AA-AD) mailed January 9, 2003, in connection with a corresponding international application.

Applicants believe that no fee is due in connection with this submission. However, should the Patent & Trademark Office determine otherwise, please charge such fee to our Deposit Account No. 08-3425.

Dated: February 7, 2003

Respectfully submitted,

By 

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